

ZBA 22-24

TOWN OF WAREHAM
ZONING BOARD OF APPEALS

APPLICATION FOR A PUBLIC HEARING FOR A VARIANCE/SPECIAL PERMIT

Certain uses are allowed in several zoning districts only by means of a Variance and/or Special Permit from the Zoning Board of Appeals. Those uses are indicated in the Wareham Zoning By-Laws. To apply for a Variance/Special Permit from the Zoning Board of Appeals, please do the following:

- o Complete this form.
- o Complete information packets. (Directions attached)
- o Submit application form and packet to Town Clerk for signature.
- o Submit application form and packet to Town Collector for signature.
- o Submit completed form, packets, and appropriate fees** to the Zoning Board of Appeals secretary.

**Permits may be issued only after a public hearing. There is a filing fee of \$300.00 per lot, per application for all non-conforming residential lots, whether built upon or not. There is a filing fee of \$750.00 per lot, per application for all commercial applications. In the case of a multi-family development, the fee is \$300.00 plus an additional \$50.00 for every unit over two (2). Please make check payable to the Town of Wareham.

**A check to cover two (2) legal advertisements for the public hearing should be made payable to Wareham Week in the amount of \$100.00.

**The applicant will also be responsible for the costs of sending out abutter notifications by Certified Mail. The cost is \$6.90 per certified letter to each abutter. Please see Zoning Board secretary for cost of mailings. Please make check payable to the Town of Wareham.

I hereby apply for a Variance/Special Permit for a use to be made of the following described place:

STREET & NUMBER: 161 and 167 Marion Road LOT: 1020/1022 MAP: 60
 ZONING DISTRICT: MR30
 USE REQUESTED: retail sales and repair of golf carts including "street ready" golf carts
 OWNER OF LAND & BUILDING: Anne Marie Powers, trustee, Alton L. Realty Trust TEL.# 617-771-4832
 ADDRESS OF OWNER: 164 Tiffany Road, Norwell, MA 02061
 PERSON(S) WHO WILL UTILIZE PERMIT: Five Star Golf Cars & Utility Vehicles, LLC
 ADDRESS: 174 Main Street, Buzzard's Bay, MA 02532
 DATE: April 16, 2024 SIGNATURE: [Signature] FOR FIVE STAR GOLF CARS
This application was received on the date stamped here:

WAREHAM TOWN CLERK
2024 APR 29 AM 9:09

Town Clerk: _____ Date: _____
 Tax Collector: See attached form Date: 4/12/24
 Planning/Zoning Dept.: Sonia Raposo Date: 4/24/24
 Application fee paid: 750.00 Check #: 200922 Receipt: _____
 Advertising fee paid: 150.00 Check #: 200920 Receipt: _____
 Abutters fee paid: 21.06 Check #: 211 Receipt: _____

RECEIVED

APR 25 2024
TOWN OF WAREHAM
BOARD OF HEALTH

TOWN OF WAREHAM

APPLICANT/CONTRACTOR/REPRESENTATIVE INFORMATION SHEET

Check One: Variance Special Permit Site Plan Appeal

Date stamped in: _____ Date decision is due _____

Applicant's Name: Five Star Golf Cars & Utility Vehicles, LLC

Applicant's Address: 174 Main Street, Buzzard's Bay, MA 02532

Telephone Number: 508-743-9300

Cell Phone Number: 774-277-2060

Email Address: bldgmgr@fivestargolfcars.com

Address of Property/Project: 161 and 167 Marion Road, Wareham, MA

Landowner's Name: Anne Marie Powers, trustee, Alton L. Realty Trust

Owner's Address: 164 Tiffany Road, Norwell, MA 02061

Telephone Number: 617-771-4832

Contact Person: Scott Rubin, Esq. Telephone Number: 508-631-7106

Map 60 Lot 1020 and 1022 Zone MR30

Date Approved _____ Date Denied _____

Comments: _____

**TOWN OF WAREHAM
ANR/SUBDIVISION/SITE PLAN REVIEW FORM**

Check one: ANR _____ Form B _____ Form C _____ Site Plan Review X

Date stamped in _____ Date decision in due _____

Applicant's name(s) Five Star Golf Cars

Applicant's address 61 Split Brook Road, Nashua, NH

Telephone number 508-743-9300

Address of property 161 & 167 Marion Rd.

Landowner's name Anne Marie Powers, Trustee

Owner's address 164 Tiffany Rd., Norwell, MA

Telephone number 617-771-4832

Contact person Atty Scott Rubin Telephone 508-631-7106

Map # 60 Lot # 1020 & 1022 Zone Multiple Res. 30

Date Approved _____ Date Denied _____

Comments (state reasons for denial or stipulations of approval)

Conditions for: _____

COMMENTS OR STIPULATIONS ON DECISION: _____

STREET NAME PROPOSED AND ACCEPTED: _____

Conditions for: _____

SITE PLAN REVIEW CHECKLIST

Plans shall be prepared by a registered architect, landscape architect, or Professional Engineer. 14 complete sets are required with the following information included:

1. GENERAL INFORMATION

- Developer name, address, telephone number
- Property owner name, address, telephone number, legal relationship between developer and property owner
- Date of application
- Statement briefly describing project
- Locus map (1" = 2,000')
- Location of property to surrounding area (this plan shall show at a scale of not less than 1" = 100' the general characteristics of all lands within 200' of the proposed site and shall include structures, parking areas, driveways, pedestrian ways and natural characteristics)
- Zoning district (square feet within each district if more than one district)
- Total area of project in square feet to include wetland and 100 year flood plain (both in square feet)
- All contiguous land owned by the applicant or by the owner of the property. At the discretion of the Planning Board photographs of the site at size 8" x 10"

2. EXISTING FEATURES

Plans shall be accurately drawn to a scale of 1" = 20', 1" = 40', or 1" = 100' where practical and appropriate to the size of the proposal and shall show all existing natural, manmade, and legal features of the site. Such plans are to include but not be limited to the following:

- Tree line of wooded area
- Individual trees 18" dbh or over

- _____ Bogs or agricultural areas
- _____ ✓ All wetlands protected under CMR 10.02 (1) (a-d)
- _____ ✓ Flood plain (100 years) with base flood elevation data
- _____ Contour lines (2' intervals)
- _____ General soil types

2b. EXISTING MANMADE FEATURES

- _____ ✓ Vehicle accommodation areas
- _____ ✓ Street, roads, private ways, walkways
- _____ ✓ Curbs, gutters, curb cuts, drainage grates
- _____ ✓ Storm drainage facilities, including manholes
- _____ ✓ Utility lines, including water, sewer, electric, telephone, gas, cable TV
- _____ Fire hydrants and location of dumpsters
- _____ ✓ Building, structures, and signs (free standing), including dimensions of each
- _____ ✓ Existing light fixtures

2C. EXISTING LEGAL FEATURES

- _____ ✓ Zoning of property (district lines)
- _____ ✓ Property lines (with dimensions identified)
- _____ ✓ Street right of way lines
- _____ ✓ Utility or other easement lines
- _____ ✓ Monuments

3. THE DEVELOPMENT PLAN

The development plan shall show proposed changes in the (a) existing natural features; (b) existing man made features and (c) existing legal features.

The Development Plan shall include:

- Square feet in every new lot
- Lot dimensions
- Location and dimensions of all buildings and free standing signs as well as the distances from all buildings to lot lines, streets, or street right of way
- Building elevations (side, front, and back for a typical unit) showing building height and any proposed wall signs
- Location, dimensions, and designated use for all recreation areas
- Location and dimension of all open space; indicate whether open space is to be dedicated to public use or to remain private
- Streets (including street names) which conform to the design standards of the Planning Board's Rules and Regulations Governing the Subdivision of Land
- Curbs and gutters, curb cuts, drainage grates
- Drainage facilities including manholes, pipes, drainage ditches, and retention ponds
- Sidewalks and walkways showing widths and materials
- Outdoor illumination with lighting fixture size and type identified
- Utilities; water, sewer, electric, telephone, gas, cable TV
- Fire hydrant location
- Dumpster (trash collection facilities)
- New contour lines resulting from earth movement (at 2' intervals) and indications of types of ground cover and other precautions to stabilize slopes
- Vehicle parking, loading, and circulation areas showing dimensions

Proposed new plantings by size and location or construction of other devices to comply with screening and shading requirements

4. IMPACT STATEMENT

In order to evaluate the impact of the proposed development to Town services and the welfare of the community, there shall be submitted an impact statement in two parts.

All applicable Town services including but not limited to schools, sewer services, water systems, parks, fire, and police.

The roads in the immediate vicinity of the proposed development (including an estimate of both peak and average daily counts)

The ecology of the area within the site and any significant off-site impacts

Part Two shall describe what actions have been taken to mitigate the impacts described in Part One

This application constitutes the applicant's willingness to work under the Town of Wareham's Zoning Bylaws. Any errors or omissions from this checklist or the Zoning Bylaw may result in the application not being placed on a Planning Board Agenda or denial of the Site Plan.

Site Plan Review Application Checklist

Note to Applicant(s): The following checklist serves as an instrument to help ensure that all necessary information and materials are submitted with the application for Site Plan Review. Please verify that all related items listed below have been accounted for in your submission. (Refer to Article 15 of the Zoning By-Law of the Town of Wareham, Massachusetts, adopted October 2004).

Name of site: 161 & 167 Marion Rd., Wareham Date: April 12, 2024
 Owner(s): Anne Marie Powers, Trustee
 Address: 164 Tiffany Rd., Norwell, MA
 Telephone Number: 617-771-4832 Cell Phone: _____

Developer(s): Five Star Golf Cars
 Address: 61 Split Brook Rd., Nashua, NH
 Telephone Number: 508-743-9300 Cell Phone: _____

Relationship between Developer & Property Owner: _____

Surveyor: Scott Faria/J. K. Holmgren Engineering LLC
 Engineer: _____
 Architect: Greg Siroonian, Rescom Architectural Incorporated
 Landscape Architect: _____

ITEM	Complete
Application for Site Plan Review – Special Permit filed with Planning Board (14 copies of application and supplementary materials)	✓
Application for Special Permit – Residential Cluster Development filed with Planning Board (11 copies of application and supplementary materials)	
Copies filed with Town Clerk	
Filing Fees	
GENERAL INFORMATION	
Developer Name, address, telephone number	
Property Owner Name, address, telephone number	
Date of Application	
Statement briefly describing project	
Locus Map (1" = 2,000')	

C:\Users\dbarrettrich\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\AP92SMTY\ZBA
 - Site Plan Review Application.docx

*Revised
 CK #
 200923
 \$750.00*

Location of property to surrounding area (scale should be no less than 1" = 100') and general characteristics of all lands within 200' of the proposed site including structures, parking areas, driveways, pedestrian ways, and natural characteristics	
Zoning district (sq. feet within each district if more than one)	
Total area of project to include wetland and 100 year floodplain (both in sq. feet)	
All contiguous land owned by the applicant or by owner of property	
Photographs of site (8" by 10") – at discretion of Permitting Authority	
List of abutters, certified by Board of Assessors	
Number of dwellings which could be constructed by means of a conventional development plan, considering the whole tract, exclusive of water bodies and land prohibited from development by legally enforceable restrictions, easements, or covenants. This includes: <ul style="list-style-type: none"> • Any bank, freshwater wetland, coastal wetland, beach, dune, flat, marsh, or swamp bordering the ocean, any estuary, creek, river, stream, pond, or lake • Lake under any of the water bodies listed above; • Land subject to tidal action • Land subject to coastal storm flowage or slopes in excess of fifteen (15) percent are not to be counted in figuring the number of permissible units of conventional development. 	
EXISTING FEATURES	
(Scale 1" = 20', 1" = 40', or 1" = 100' where practical and appropriate to the size of the proposal) Must include a minimum of the following:	
1. Existing Natural Features <ol style="list-style-type: none"> a. Tree line of natural area; b. Individual trees 18" dbh or over; c. Bogs or agricultural areas; d. All wetlands protected under 310 CMR 10.01 (1) (a-d); floodplain (100 year) with base flood elevation data; e. Contour lines (2' intervals); f. General soil types. 	
2. Existing Man-Made Features <ol style="list-style-type: none"> a. Vehicle accommodation areas; streets, roads, private ways, walkways; b. Curbs, gutters, curb cuts, drainage grates; c. Storm drainage facilities including manholes; d. Utility lines including water, sewer, electric, telephone, gas, cable TV; e. Fire hydrants and location of dumpsters; f. Buildings, structures, and signs (free standing) including dimensions of each; g. Exterior lighting features. 	
3. Existing Legal Features <ol style="list-style-type: none"> a. Zoning of property (district lines); b. Property lines (with dimensions identified); 	

<ul style="list-style-type: none"> c. Street right-of-way lines; d. Utility or other easement lines; e. Monuments. 	
DEVELOPMENT PLAN	
Proposed changes to existing natural features, existing man-made features, and existing legal features including the following;	
<ul style="list-style-type: none"> • Area of each new lot in square feet; 	
<ul style="list-style-type: none"> • Lot dimensions; 	
<ul style="list-style-type: none"> • Location and dimensions of all buildings and freestanding signs as well as the distances from all buildings to lot lines, streets, or street; 	
<ul style="list-style-type: none"> • Location, dimension, and designated use for all recreation areas; 	
<ul style="list-style-type: none"> • Location and dimension of all open space (indicate whether such open space is to be dedicated to public use or remain private); 	
<ul style="list-style-type: none"> • Streets (including street names) which conform to the design standards of the Planning Board's Rules and Regulations Governing the Subdivision of Land; 	
<ul style="list-style-type: none"> • Curbs and gutters, curb cuts, drainage grates; 	
<ul style="list-style-type: none"> • Drainage facilities including manholes, pipes, drainage ditches, and retention ponds; 	
<ul style="list-style-type: none"> • Sidewalks and walkways showing widths and materials; 	
<ul style="list-style-type: none"> • Outdoor illumination with lighting fixture size and type identified; 	
<ul style="list-style-type: none"> • Utilities – Water, sewer, electric, telephone, gas, cable TV; 	
<ul style="list-style-type: none"> • Fire hydrant locations; 	
<ul style="list-style-type: none"> • Dumpster (trash collection facilities); 	
<ul style="list-style-type: none"> • New contour lines resulting from earth movement (2' intervals) and indications of types of ground cover and other precautions to stabilize slopes; 	
<ul style="list-style-type: none"> • Vehicle parking, loading, and circulation areas showing dimensions and layout of parking spaces, travel lanes, aisles, and driveways; 	
<ul style="list-style-type: none"> • Proposed new plantings by size and location or construction of other devices to comply with screening and shading requirements. 	
IMPACT STATEMENT	
<p>Part One: Description of neighborhood and impact of proposed development on all applicable town services including but not limited to schools, sewer service, water system, parks, fire, and police protection;</p>	
Traffic report of existing and future traffic within and adjacent to proposed development. (Include estimate of both peak and average daily traffic count);	
Analysis of site in regards to wetlands, coastal wetlands, slopes, soil conditions, 100 year flood plain, and other natural features as Planning Board may request;	
Environmental Impact Assessment Report relating to proposed plan and copy of environmental impact report if otherwise required in order to illustrate the ecology of the area within the site and any significant off-site impacts;	

Evaluation of open land proposed within cluster, with respect to size, shape, location, natural resource value, and accessibility by residents of the Town or of the cluster;	
Part Two: Description of actions that have been taken to mitigate the impacts described in Part One.	



J.K. Holmgren Engineering

Registered Professional
Engineers & Land Surveyors

1024 Pearl Street
Brockton, MA 02301
T: 508.583.2595
www.JKHolmgren.com

Development Impact Statement
Five Star Golf Cars
161 & 167 Marion Rd.
Wareham, Massachusetts
JKHE Job # 2023-174

Prepared For:

Five Star Golf Cars

Dated: April 12, 2024



Proposed Modification

The subject property has an address of 161 & 167 Marion Road and is shown on the assessor's map 60 as plots 1020 and 1022 with an area of 2.35 acres. The site was most recently the home of a landscaping company and has been vacant most recently.

A parking analysis shows that 19 (nineteen) spaces are required under the Town of Wareham Zoning By-Law and 19 proposed. The existing parking lot is to remain and will be re-purposed to allow for the storage of 468 golf cars. Currently, the entrance to the subject property off Marion Road is not defined. As part of our proposal, we will be defining an entrance and exit off Marion Road and will also eliminate the existing parking spaces directly in front of the building and will replace this area with landscaping. An enclosed dumpster is proposed at the rear of the parking area. All parking, illuminating, signage and pavement markings will follow the Town of Wareham Zoning by Law regulations.

Environmental Impact Assessment

161 & 167 Marion Road is an existing, developed site, all site conditions are to be unchanged.

Fiscal Impact Assessment

161 & 167 Marion Road is the site of an existing retail building. Water and sewer usage is expected to remain unchanged and fall within Title V standards for a retail use, and as such will not put a measurable burden on the municipal water and sewer system.

Fire and Police services would not be affected any more than another retail business at this location.

Education, health and recreational facilities are not a factor as the proposed use will not cause an increase in population.

The redevelopment of the parcel will enhance the property values of this site by replacing a vacant building and property with a thriving business. Expenses by the town are minimal and likely only associated with fire and police protection, neither of which can be measured as they are on a call basis.

The improvements proposed will have a positive impact on the neighborhood and will provide a more pleasing street view from Marion Road.

Community Impact Assessment

Presently the subject property has a vacant building on it. The proposed use will revitalize the property and remove an empty building from the neighborhood, which is a busy, populations retail area.

We believe our proposed project meets all of the goals and regulations of the Town of Wareham and are looking forward to discussion out proposal in greater detail.

Sincerely,
J.K. Holmgren Engineering LLC

Scott Faria

Scott Faria, RPLS
President

JKHE Job #2023-174

THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT TO BE USED AS A LEGAL DOCUMENT. THE INFORMATION SHOWN IN THIS MAP IS THE PROPERTY AS OF THE DATE OF THE MAP. THE OFFICIAL MAPS ARE AVAILABLE AT THE TOWN OFFICE, 100 STATE STREET, WAREHAM, MASSACHUSETTS 01956. THE TOWN ENGINEER IS RESPONSIBLE FOR THE ACCURACY OF THE MAP.



LEGEND

.....

.....

.....



**PROPERTY MAPS
WAREHAM
MASSACHUSETTS**



**MAP NO.
60**



TOWN OF WAREHAM ABUTTERS

MAP 60 LOTS 1020 + 1022

OWNER ANNE-MARIE POWERS TRUSTEE OF ALTON REALTY TRUST

MAP & LOT	OWNERS	STREET ADDRESS	TOWN & STATE	ZIP CODE
48-0-1009.B	WHALEN CONSTANCE E	125 MARION RD	WAREHAM, MA	02571
48-0-1009.D	MANSFIELD JANE MICHELLE TRUSTEE, JANE KENT MANSFIELD IREV TRUST	156 MARION RD,	WAREHAM, MA	02571
48-0-1009.E	ENGLISH JOHN B JR LIFE ESTATE,	8 SALT MEADOW RD,	WAREHAM, MA	02571
48-0-1011	MANSFIELD JANE M,	582 BLUE HILL AVE,	MILTON, MA	02186
48-0-1015	ENGLISH JOHN B III, ENGLISH CYNTHIA J	170 MARION RD,	WAREHAM, MA	02571
48-0-1016	MCDONALD LYNNE P TRUSTEE	128 HATHAWAY ST,	WAREHAM, MA	02571
48-0-1017	CULLY ROMI,	176 MARION RD,	WAREHAM, MA	02571
48-0-1019	TETRAULT REBECCA ANN TRUSTEE, SMITH FAMILY IREV INV TRUST	4 BURR PKWY,	WAREHAM, MA	02571
48-0-1021	KELSCH JOHN F JR, YOUNG LAUREN AKA LAUREN KELSCH	6 BURR PKWY,	WAREHAM, MA	02571
48-0-T1.A	DENEALT TRACY L,	1 BOURNE TER,	WAREHAM, MA	02571
48-0-T1.B	HOLLIS RICHARD M, HOLLIS CHERYL L	140 MARION RD,	WAREHAM, MA	02571
48-0-T1.C	TABER HAZEL E,	136 MARION RD,	WAREHAM, MA	02571
48-0-T2.B	PECHEY MELISSA A,	3 BOURNE TER,	WAREHAM, MA	02571
48-0-T4	SCOTT BRIAN M, SCOTT JUSELENA M	5 BOURNE TER,	WAREHAM, MA	02571
59-0-1027	MANN KEITH A TRUSTEE OF THE, GARLAND NYE REALTY TRUST	810C HEAD OF THE BAY RD,	BUZZARDS BAY, MA	02571
60-0-1008	KIERNAN PAUL, KIERNAN FELIX H C/O KATHRYN RHODES	17 CROOKED RIVER RD	WAREHAM, MA	02532
60-0-1013	EWAN KATY H, CROMWELL JASON F	183 MARION RD,	WAREHAM, MA	02571
60-0-1014	DACCI CHRISTINE TRUSTEE, DACCI REV TRUST	181 MARION RD,	WAREHAM, MA	02571
60-0-1015	ANNADALE RICHARD M,	179 MARION RD,	WAREHAM, MA	02571
60-0-1016	THORBURN ANDREW T, NEBRASKY SUZANNE M	177 MARION RD,	WAREHAM, MA	02571
60-0-1017	MULLENS KATHLEEN A LIFE ESTATE	173 MARION RD,	WAREHAM, MA	02571
60-0-1017.B	WILLIAMS GRANT A, WILLIAMS PATRICIA A	1873 SECLUSION DR,	PT ORANGE, FL	32128
60-0-1020	POWERS ANNE-MARIE TRUSTEE, OF ALTON L REALTY TRUST	164 TIFFANY RD,	NORWELL, MA	02061
60-0-1022	POWERS ANNE-MARIE TRUSTEE, OF ALTON L REALTY TRUST	164 TIFFANY RD,	NORWELL, MA	02061
60-0-4	DESRI RRS LAND ASSET HOLDINGS LLC	1166 AVENUE OF AMERICA 9TH FL	NEW YORK, NY	10036
60-0-A1	ALEVIZOS AMES TRUST INC,	2 LAKE RD,	WELLESLEY, MA	02482

CERTIFIED ABUTTERS AS THEY APPEAR
ON OUR TAX ROLLS AS OF 3/4/2024

M. Renee Albino
ASSESSORS OFFICE

REQUESTED BY
SCOTT RUBIN
508 631-7106

SRUBIN@SRUBINLAW.COM

167 MARION RD

Location 167 MARION RD

Mblu 60 / 1020 /

Acct#

Owner POWERS ANNE-MARIE TRUSTEE

Assessment \$473,600

Appraisal \$473,600

PID 8733

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$304,100	\$169,500	\$473,600
Assessment			
Valuation Year	Improvements	Land	Total
2023	\$304,100	\$169,500	\$473,600

Owner of Record

Owner POWERS ANNE-MARIE TRUSTEE
Co-Owner OF ALTON L REALTY TRUST
Address 164 TIFFANY RD
NORWELL, MA 02061

Sale Price \$1
Certificate
Book & Page 8022/0331
Sale Date 09/24/1987

Ownership History

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
POWERS ANNE-MARIE TRUSTEE	\$1		8022/0331	09/24/1987

Building Information

Building 1 : Section 1

Year Built: 1940
Living Area: 7,884
Replacement Cost: \$422,661
Building Percent Good: 63
Replacement Cost
Less Depreciation: \$266,300

Building Attributes

Field	Description
Style:	Service Shop
Model	Ind/Lg Com
Grade	Ave
Stories:	1
Occupancy	2.00
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	Stucco/Masonry
Roof Structure	Gable/Hip
Roof Cover	Asphalt Shing
Interior Wall 1	Minimal
Interior Wall 2	Custom Panel
Interior Floor 1	Concr-Finished
Interior Floor 2	Carpet
Heating Fuel	Gas
Heating Type	Forced Hot Air
AC Type	None
Struct Class	
Bldg Use	SVC GAR/GAR M-98
Total Rooms	
Total Bedrms	00
Total Baths	2
1st Floor Use:	3300
Heat/AC	NONE
Frame Type	MASONRY
Baths/Plumbing	AVERAGE
Ceiling/Wall	CEIL & MIN WL
Rooms/Prtns	AVERAGE
Wall Height	14.00
% Conn Wall	0.00

Building Photo



(<https://images.vgsi.com/photos2/WarehamMAPhotos/A0010625170.jpg>)

Building Layout



(https://images.vgsi.com/photos2/WarehamMAPhotos/Sketches/8733_87?)

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	6,048	6,048	
SDA	Store Display Area	1,404	1,404	
AOF	Office, (Avg)	432	432	
SLB	Slab Fndtn	7,884	0	
		15,768	7,884	

Extra Features

Extra Features				Legend	
Code	Description	Size	Value	Bldg #	
LFT2	LIFT-HEAVY	3.00 UNITS	\$16,100	1	
MEZ3	W/PARTITIONS	120.00 S.F.	\$2,300	1	
MEZ1	MEZZANINE-UNF	1036.00 S.F.	\$13,100	1	

Land

Land Use

Use Code 3321
Description SVC GAR/GAR M-96
Zone MR30
Neighborhood 5000
Alt Land Appr Category No

Land Line Valuation

Size (Acres) 1.09
Frontage 0
Depth 0
Assessed Value \$169,500
Appraised Value \$169,500

Outbuildings

Outbuildings				Legend		
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
PAV1	PAVING-ASPHALT			5000.00 S.F.	\$6,300	1
SGN2	DOUBLE SIDED			20.00 S.F.&HGT	\$1,000	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$304,100	\$169,500	\$473,600
2022	\$304,100	\$169,500	\$473,600
2021	\$304,100	\$169,500	\$473,600

Assessment			
Valuation Year	Improvements	Land	Total
2023	\$304,100	\$169,500	\$473,600
2022	\$304,100	\$169,500	\$473,600
2021	\$304,100	\$169,500	\$473,600

Zone IIs



NHESP Priority Habitats of Rare Species



NHESP Estimated Habitats of Rare Wildlife



Property Tax Parcels



ZONING BOARD
TAX VERIFICATION FORM

This verifies that Five Star Golf Cars & Utility Vehicles LLC (name of applicant) is up-to-date on the taxes for the property(ies) he/she owns in Wareham. If the applicant is not the current owner of the property that the application addresses, the current owner Alton L. Realty Trust, Anne Marie Powers trustee (name of property owner) is up-to-date on taxes and on all properties he/she owns in the Town of Wareham.

Tracy Donnan-Lynch
John Foster, Tax Collector
Asst

4/12/2024

Parcel ID
60-1020

BRIEF IN SUPPORT OF APPLICATION FOR
REVIEW OF BUILDING COMMISSIONER'S DENIAL,
VARIANCE AND SITE PLAN REVIEW

April 21, 2024

Property Address: 161 & 167 Marion Road, Wareham, MA (Property) Assessor's Map 60 Plots 1020, 1022

Applicant: Five Star Golf Cars & Utility Vehicles LLC ("Five Star")

Introduction: Five Star Golf Cars & Utility Vehicles, LLC (Five Star) proposes to conduct business activities at 161-167 Marion Road, Wareham, MA (Property) these properties are shown as Lots 1020 and 1022 on Assessor's Map 60. Five Star's proposed uses include retail sales, repair, service and outside storage of golf carts including golf carts that are "street ready". Five Star is seeking a Class I dealer's license for the location to sell the street ready golf carts and Class II license to sell secondhand street ready golf carts.

Submissions: On or about January 16, 2024, Five Star submitted a Change of Use Application to the Building Department in support of its proposed business uses as described above and on or about January 14, 2024 applicant filed with the Select Board for a Class I/II Car Dealers License to sell new and used street ready golf carts. Submitted with the Change of Use Application is a proposed Site Plan, Floor Plans and Elevations, a history of uses at the Property and prior Change of Use Applications approved by the Town of Wareham's Building Department.

On April 16, 2024, the Building Commissioner issued a denial for the Change of Use application and determining Five Star's proposed uses require a Use Variance and the Change of Use trigger a Special Permit for Site Plan Review requirement, as the proposed use exceeded ten (10) or more spaces regardless of the existing amount of parking already on site.

Applicant requests a review of the Building Commissioner's determination and in the alternative a Use Variance for proposed use of the Property for retail sales and repair of new and used golf carts, some of which will be "street ready." According to the Town of Wareham Bylaws the Zoning Board, if a Change of Use results in ten (10) or more parking spaces, Applicants are required to seek a Special Permit for Site Plan Review and both the Variance and Site Plan Review approval is from the Zoning Board. However, if this Board agrees Five Star's application is not a "change of use" this finding dispenses with the need for Site Plan Review.

CHANGE OF USE APPLICATION

Discussion: The Property is located in the MR30 zone which uses as of right comprise agricultural, residential, educational and municipal uses. Other uses such as convenience stores, junk yards and earth removal activities require a Special Permit from the Zoning Board of Appeals.

Retail and repair uses such as those proposed by Five Star are generally not permitted without a Variance.

Nonetheless, business uses at the Property date back to at least 1984. Existing non-conforming uses are governed by M.G.L. c. 40A, Section 6.

Pre-Existing Uses: A prior non-conforming use is one that is lawfully carried on at the time a zoning ordinance or bylaw is adopted that prohibits that use. There is no doubt the prior and current uses of the Property were prior non-conforming uses since the Property lies in the MR30 residential district and these uses have been approved by the Town of Wareham.

According to Town records the 161 Marion Road property initially had a residence and barn which was approved for demolition and redevelopment as a gravel parking lot for the then existing car dealership in 1985 located at 167 Marion Road. Municipal records indicate the 167 Marion Road building was constructed in 1940 with an approved addition in 1981. Existing municipal records indicated the properties conversion to commercial, business, retail use was around 1984. Cranberry Chevrolet sought and obtained a number of variances/special permits for the construction of an addition and demolition and creation of a parking for employees, customers and display vehicles (1985) to signage (1988 and 1991). In 1988 the Zoning Board of Appeals, specifically noted in its variance grant the legal, non-conforming commercial use on the property in support of allowing updated signage for the business.

Extensions: Whether certain changes to pre-existing non-conforming uses are considered legal extensions of said uses is governed by M.G.L. c. 40A, §6. Massachusetts court's adopted a three-prong test set out in Powers v. Building Inspector of Barnstable, 363 Mass. 648, 653 (1973), asking: (1) whether the current use reflects the nature and purpose of the prior use; (2) whether there is a difference in the quality or character, as well as the degree, of use; and (3) whether the current use is different in kind in its effect on the neighborhood than the prior use. It is not determinative that the prior legal non-conforming uses be exact replications of the past and most recent uses.

Since the closure of the Chevrolet dealership, successive tenants sought and received change of use/occupancy authorization from the Town's Inspectional Services. During that time, the Property has been occupied by various businesses including motor vehicle dealerships, autobody and towing facilities, marine and automotive repair and most recently a retail landscaping business from 2015-2023.

Specifically, per the current Property Owner, in the early to mid 2000s there was an auto body repair shop (selling retail auto services to consumers); July 2007 – January 2009 Marks A/B Towing Company occupied the space September, 2009 – July 2014 – North Atlantic Marine provided sales of marine service and training to retail consumers); December 2014 – September 2019, Busted Knuckle auto repair shop leases a portion of the building for automotive repairs; then November 2014 – September 2023 – D&J Landscaping occupied the property for the sale of

landscaper materials and services to retail and commercial customers according to the property owner.

These tenants obtained and received Inspectional Services approval of their respective uses *without a variance*. The most recent tenant noted a retail use with outside storage of landscaped materials and use of heavy equipment.

Proposed Use reflects the nature and purpose of the prior use. Applicant Five Star notes their proposed use is consistent with the prior commercial uses of the Property as a repair/service/retail since at least 1985, a use acknowledged and confirmed by the Zoning Board in 1988 and accepted by Inspectional Services for all successive occupants. If the varying motor vehicles sales, repair and retail shops were consistent enough in the past that such uses were extensions of the prior uses without any variances, Applicant's proposed use as a retail/repair service falls consistently within the nature and purpose of the current use of the Property. (Addition of beer/wine to convenience store considered integrated with the existing retail use, Almedia v. Arruda, 89 Mass. App. Ct. 241 (2106). Similarly, expansion of retail sales of candles to include a gift shop and non-candle items did not change the nature and purpose of retail sales, Powers, 363 Mass. at 659; Conversion of gas storage facility to liquid asphalt did not change the nature and purposes of use. Derby Ref. Co. v. City of Chelsea, 407 Mass 703.)

Even if the most recent use by the former tenant while not an exact use as proposed by Applicant, the prior use was commercial in nature and would have had significantly more impact on the site than proposed by Applicant. Use of large, heavy equipment to move landscaping material would be significantly more intrusive related to noise and odor as materials are loaded and moved on and off site. As Applicant's request as retail sales and repair is commercial in nature, consistent with the prior uses of the Property and less impactful of the immediate prior use and should be considered an extension of the prior Uses.

The quality, character and degree of use is consistent among the prior occupants as the prior tenants utilized the entirety of the Property for retail sales, display of products, parking and a repair facility. Moreover, the immediate prior use of the Property as a contractor's retail yard for landscaping materials was commercial in nature and Applicant's proposed retail/repair use fits squarely within this past use. Prior car dealerships, repair facilities and retail sales are entirely consistent with Applicant's proposed uses such that the quality, character and degree of use is not expansive nor extraordinary or unreasonable nor does it change the fundamental nature of the original enterprise. Barron Chevrolet Inc. v. Danvers, 419 Mass 404 (1995). Applicant notes its proposed use is of a significantly lower impact on the Site in compared to its most recent use. Applicant seeks to use the entirety of the Property both inside and outside for the display, storage and repair of vehicles for sale uses entirely within prior tenants/occupants Uses as previously approved.

Effect on the neighborhood. Where the past occupants were most recently an automotive repair and retail landscaping with outside storage of materials, Applicant's proposed use is no more

impactful on the neighborhood. Applicant notes the location of proposed golf cart storage to be in the same area of past storage of vehicles and materials, the repair shop is to be located within the building and retail market for golf carts does not bring with it the same intensity of vehicle and pedestrian traffic as would a typical motor vehicle sales and repair shop would, therefore Applicant offers its use would be less impactful on traffic to the location and most of the limited site visits are for delivery and return of inventory.

Applicant further notes there has been no abandonment or discontinued use as contemplated in the Zoning Act or Wareham Zoning Bylaws. Specifically, Section 1370 of the zoning bylaws notes abandonment occurs after discontinued use of 2 years. Owner advises the most recent tenant vacated within that last 120 days.

Conclusion: Five Star urges this Board to approve its Change of Use Application as consistent with the prior commercial uses at the Property pursuant to M.G.L. c. 40A, Section 6.

VARIANCE/SPECIAL PERMIT FOR SITE PLAN REVIEW

In the event the Board does not overturn the Building Commissioner's denial of Five Star's Change of Use Application concerning its proposed Use of the Site, Applicant seeks a Use Variance pursuant to Section 1470 of Wareham's Zoning Bylaws for its proposed Use the Property for retail sales and repair of new and used golf carts including "street-ready" golf carts (Class I dealer license for new vehicles and Class II licenses for used vehicles).

Under Chapter 14, Section 1470 of Wareham's Bylaws, a Variance may be granted when factors relating to soil conditions, lot shape, or topography of such land creates an impracticality or limits the location or positioning of a new structure or addition on a site or location that previously conformed to zoning requirements. An applicant must demonstrate that a literal enforcement of the By-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

In addition, under Section 1471, the Board of Appeals is specifically empowered to grant Variances from the restrictions imposed by this By-Law as to use. As noted herein, the Property (161 and 167 Marion Road) is located in the MR30 zone. Uses permitted as of right comprise agricultural, residential, educational and municipal uses. Other uses such as convenience stores, junk yards and earth removal activities require a Special Permit from the Zoning Board of Appeals. Five Star's proposed uses of retail and repair facility falls outside any of these authorized uses and therefore requires a Use Variance from literal enforcement of the Bylaw.

As noted above, municipal records indicated the property's conversion to commercial, business, retail use was around 1984. Cranberry Chevrolet sought and obtained a number of decisions from the zoning board for the demolition of a vacant dwelling and outbuilding and creation of a parking for employees, customers and display vehicles (variance - 1985); and addition to the existing building being used as an automobile showroom, offices, and repair shop (variance - 1985) to signage (variance - 1988 and Special Permit 1990 and amendment to Special Permit - 1991). In 1985 the Zoning Board of Appeals, specifically noted in its variance grant the legal, non-conforming commercial use on the property in support of allowing updated signage for the business.

Five Star proposes no changes to the existing structure, which continues to be a legal, pre-existing non-conforming use which has existed since 1984. The structure, prior expansion and uses owe only to commercial businesses for nearly 40 years and the town has long recognized this non-conformity during this time. The structure as pre-existing, is only suitable as a commercial business and the shape of the lots are existing and therefore also present a hardship as it relates to Five Star's ability to utilize the entirety of the Property and limits expansion of the structure or facility. Five Star does not proposed any new structures, only modifications to the exterior

appearance and interior improvements and interior layout for its proposed retail and repair shop use, the location of the structure in relation to the existing lot lines presents a hardship and dictate the location of existing parking, outside storage and onsite traffic patterns. Ingress and egress are dictated by existing curb cuts, the location of the building and the infrastructure on site. Five Star's proposed modest changes to the Site Plan involve improved traffic flow and curb cuts to clarify for driver's the points of ingress and egress and to move obsolete parking spaces due to the location of utility infrastructure.

Five Star also seeks a Special Permit for Site Plan Review, and at the suggestion of the Building Commissioner, has proposed the removal of parking spaces in the front of the building to prevent vehicles from backing onto Marion Road. Five Star proposed some modest landscaped areas adjacent to the building to provide buffering and natural drainage. Five Star does not propose these changes are structural and do not extend or add to the building but to the extent this Board concludes these changes are structural, Five Star seeks the Board's approval as extensions of the existing non-conforming use.

Five Star's proposed use and a return to retail and repair shop albeit from automobiles to much smaller golf carts may be allowed without substantial detriment to the neighborhood or the environment and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law. Five Star proposes no increase in impervious materials, a reduction in off-street motor vehicle parking and the addition of golf cart storage on the remainder of the Property. Five Star notes the bulk of its activity is seasonal in that, cart inventory is stored on-site during the winter months with carts undergoing routine maintenance and mostly idle and during the remainder of the year, golf carts are delivered on site to customers for seasonal use. During the season golf carts are mostly off site and only onsite for repair or maintenance. Five Star's proposed its hours of operations as follows: Monday-Saturday 8:00 am - 4:30 pm, Closed Sunday.

Conclusion: For the foregoing reasons Applicant requests the Board of Appeals approve its Application for a Use Variance for its proposed uses of retail sales/repair of golf carts including street-ready carts and for a Class I and Class II license.

SITE PLAN REVIEW

According to the Building Commissioner's determination a Use Variance is required for Five Star's proposed Uses as noted herein and Five Star's proposed use seeks approval of more than ten (10) parking spaces, this triggered a requirement under Wareham's Bylaws Chapter 15, Section 1520 for a Special Permit for Site Plan Review.

Five Star has submitted a separate Site Plan Review application and Impact statements for review and approval.



TOWN of WAREHAM

Massachusetts

BUILDING DEPARTMENT

Paul Turner
Director of Inspectional Services

April 16, 2024

Attorney Scott Rubin
71 Legion Parkway
3rd Floor
Brocton, Massachusetts 02301

RE: 167 Marion Road/ Map 60, Lot's 1020, 1022

I have reviewed your Change of Use application COU-24-3, to conduct "retail sales and repair of golf carts" at 167 Marion Road, Wareham, Massachusetts. At this time I must deny your request.

The previous tenant of the property, D&J Landscaping Inc. operated as a retail use until September of 2023. This pre-existing, non-conforming use is allowed at the site until September of 2025 if exercised. This use will be considered expired after that date and the property will revert back to R-30 zoning requirements. The proposed use of motor vehicle sales and repair are not allowed in the R-30 zoning district. There has been past auto motive sales and repair uses allowed on the site, but both uses have expired. The new use is generating more than ten (10) parking spots under the parking schedule therefore triggering site plan review.

Your application is being denied under the following section of the Wareham Zoning By-Laws:

Article 3: Use Regulations

320 Table of Use Regulation,

Principle Use, Commercial Uses;

Motor vehicle service and motor vehicle sales: **Not Allowed** R-30 zoning district.

Article 15: Site Plan Review;

1520 APPLICABILITY

Any new development expansion, or change of use other than a single-family or two family residence which would, under the parking schedule "Number of Parking Spaces Required" of Section 920, require ten (10) or more parking spaces, regardless of the number of parking spaces existing on the premises, shall be permitted only upon the issuance of a **Special Permit** from the Planning Board **for Site Plan Review**. In addition, any development of any type on 30 acres or greater shall be subject to Section 1510. A Special Permit shall be granted only if the Special Permit Granting Authority finds that it is consistent with the purposes outlined in Section 1510 of this By-Law.

The Special Permit Granting Authority (SPGA) under Section 1510 of this By-Law shall be the Planning Board provided, however, that where the applicable development requires a Special Permit, Comprehensive Permit or **Variance** from the Board of Appeals, the Special Permit Granting Authority (SPGA) under Section 1510 of this By-Law shall be the Board of Appeals. Special Permits under this Section 1510 shall be granted only in conformance with this Section 1510 and Section 1450 of the Wareham Zoning By-Law and the requirements of MGL Chapter 40A, Section 9. Applications shall be accompanied by at least fourteen (14) prints of the plans of the proposal.

In order to move forward with your project you will need to secure a **Use Variance** for Motor vehicle repair / sales and a **Special Permit** for site plan review.

The subject dwelling is located in **R-30** zoning district.

Respectfully,


Paul Turner
Building Commissioner
Zoning Enforcement Officer

It is the owners' responsibility to check with other departments to ensure full compliance.

In accordance with the provisions of MGL chapter 40A §§ 15, you may apply to the Zoning Board of Appeals for the above noted relief within thirty (30) days of receipt of this letter.

Flannigan & Associates, P.C.

Attorneys and Counselors at Law
100 Independence Drive Suite 7
Hyannis, Massachusetts 02601-1898

Kevin M. Flannigan, Esq.**
**Admitted in MA & NY

Telephone: (508) 790-7919
kflannigan@flanniganandassoc.com

April 4, 2024

Scott B. Rubin, Esq.
71 Legion Parkway
3rd Floor
Brockton, MA 02301-7225

Via email: srubin@srubinlaw.com and U.S. Mail

Re: 161-167 Marion Road, Wareham, MA

Scott:

Thank you for your correspondence of March 27, 2024.

Regarding the situation involving the Buyer's Change of Use Application that has been filed with the Wareham Building Commissioner, I have discussed such with my client and wish to provide the following additional information which may assist in the granting of same.

My client indicates that the following use and occupation of the subject premises had occurred:

November, 2014 – September, 2023: D&J Landscaping, Inc. (sale of landscape materials and services) to retail consumers and commercial accounts;

December, 2014 – September, 2019: Auto Repair Shop known as "The Busted Knuckle" leased the rear portion of the building (sale of automotive repairs to retail customers);

July, 2010 – March, 2012: Browns Package Store which we believe used such for storage (not sales);

September, 2009 – July, 2014: North Atlantic Marine (sales of marine service repairs and training to retail consumers);

July, 2007 – January, 2009: Marks A/B Towing Company;

Early to Mid 2000's: Auto Body Repair Shop (selling retail auto services to consumers);

Historically, before this time, there was a retail franchise automobile dealership located on premises.

Flannigan & Associates, P.C.
Attorneys & Counselors at Law

Scott B. Rubin, Esq.
Re: 161-167 Marion Road, Wareham
April 4, 2024
Page -2-

Scott, if we can be of assistance in dealing with the Town of Wareham permitting process, please let me know and I can arrange to appear with Mr. Spensley at your scheduled Use Application Hearings.

Shortly, I will also be back with you regarding the resolution of the remaining title issues. I shall remain;

Very truly yours,



Kevin M. Flannigan
Flannigan & Associates, P.C.
KMF/cm (dict.)

cc: Geoff Spensley/ Alton L. Realty Trust (client)

file: 04-04-2024-04518



**TOWN OF WAREHAM
INSPECTIONAL SERVICES
APPLICATION FOR CHANGE OF USE/OCCUPANCY**

DATE: _____ ZONING DISTRICT: _____ LOT: _____ MAP: _____

ALTON L. REALTY TRUST C/O SPENSLEY
NAME OF OWNER: ANNE-MARIE S POWERS ADDRESS: 162 VERNON Rd. SCITUATE, MA 0206
TRUSTEE PHONE (781) 545-3584

NAME OF TENANT: AUTOMOTIVE DEPOT

BUSINESS ADDRESS: 167 MARION Rd. WAREHAM, MA. 02571

PROPOSED USE: AUTOMOTIVE SALES/SERVICE/LEASING

DESCRIPTION: SALES OF USED VEHICLES & REPAIRS

APPROVALS:

BOARD OF SELECTMEN: _____

FIRE DEPARTMENT: [Signature] 8/7/98

BOARD OF HEALTH: _____

PLMBG/GAS INSPECTOR: William Elliott P/pt 8-7-98 Pending inspt

ELECTRICAL INSPECTOR: _____

BUILDING INSPECTOR: [Signature]

ADA COORDINATOR: _____

TOWN CLERK: Maureen Sila 8/7/98

WATER DEPARTMENT: _____

SEWER DEPARTMENT: _____

SIGNATURE OF APPLICANT: _____

MAILING ADDRESS: 167 MARION Rd. WAREHAM, MA. 02571

TELEPHONE NUMBER: (508) 295-5555

PLEASE NOTE:
RETURN COMPLETED APPLICATION WITH ALL SIGNATURES TO THE INSPECTIONAL SERVICES DEPARTMENT WITH A CHECK FOR \$25.00 MADE PAYABLE TO THE TOWN OF WAREHAM.



TOWN OF WAREHAM
INSPECTIONAL SERVICES
APPLICATION FOR CHANGE OF USE/OCCUPANCY

DATE: AUG 9, 1999 ZONING DISTRICT: _____ LOT: 1020 MAP: 80 60

NAME OF OWNER: VICTORIA SPENSLEY NAME OF TENANT: FRANK FEENEY

BUSINESS NAME: AMERICAN AUTO GROUP

BUSINESS ADDRESS: 167 MARION RD WAREHAM, MA 02571

PROPOSED USE: Used Vehicle Sales

DESCRIPTION: Name change only

APPROVALS:

BOARD OF SELECTMEN: _____

✓ FIRE DEPARTMENT: [Signature] 8/18/99

✓ BOARD OF HEALTH: [Signature] 8-17-99

PLUMB/GAS INSPECTOR: _____

ELECTRICAL INSPECTOR: _____

BUILDING INSPECTOR: _____

Acting TOWN CLERK: [Signature] 8-17-99

✓ WATER DEPARTMENT: _____

✓ SEWER DEPARTMENT: _____

SIGNATURE OF APPLICANT: [Signature]

MAILING ADDRESS: 167 Marion Rd Wareham MA 02571

TELEPHONE NUMBER: 508-295-5555

PLEASE NOTE:

RETURN COMPLETED APPLICATION WITH ALL SIGNATURES TO THE INSPECTIONAL SERVICES DEPARTMENT WITH A CHECK FOR \$25.00 MADE PAYABLE TO THE TOWN OF WAREHAM.

79-391



TOWN OF WAREHAM
INSPECTIONAL SERVICES
APPLICATION FOR CHANGE OF USE/OCCUPANCY

#40000 \$25.00
#00000

DATE: 10/7/98 ZONING DISTRICT: MR30 LOT: 1020-21 MAP: MAP 60
ALTON L. REALTY TRUST C/O SPENSLEY
NAME OF OWNER: ANNE-MARIE S POWERS ADDRESS: 162 VERNON Rd. SCITUATE, MA 0206
TRUSTEE PHONE (781) 545-3584
NAME OF TENANT: AUTOMOTIVE DEPOT, INC.
BUSINESS ADDRESS: 167 MARION Rd. WAREHAM, MA. 02571
PROPOSED USE: AUTOMOTIVE SALES/SERVICE/LEASING
DESCRIPTION: SALES OF USED VEHICLES & REPAIRS

APPROVALS:

BOARD OF SELECTMEN: S. Perry 8/13/98 Sale of used vehicles requires Class II Lic
FIRE DEPARTMENT: [Signature] 8/7/98
BOARD OF HEALTH: [Signature] 8/12/98
PLMBG/GAS INSPECTOR: William Elliot 8-7-98 Pending wrap
ELECTRICAL INSPECTOR: George Ablanc 8/13/98 PENDING INSPECTION
BUILDING INSPECTOR: [Signature]
ADA COORDINATOR: [Signature]
TOWN CLERK: Maureen Sila 8/7/98
WATER DEPARTMENT: J. Post 8-7-98
SEWER DEPARTMENT: J. Shaw 8/7/98
SIGNATURE OF APPLICANT: [Signature]

MAILING ADDRESS: 167 MARION Rd, WAREHAM, MA. 02571
TELEPHONE NUMBER: (508) 295-5555

PLEASE NOTE:
RETURN COMPLETED APPLICATION WITH ALL SIGNATURES TO THE INSPECTIONAL SERVICES DEPARTMENT WITH A CHECK FOR \$25.00 MADE PAYABLE TO THE TOWN OF WAREHAM.

00-163



TOWN OF WAREHAM
INSPECTIONAL SERVICES
APPLICATION FOR CHANGE OF USE/OCCUPANCY

DATE: AUG 9, 1999 ZONING DISTRICT: S.L LOT: 1020 MAP: 80 60

NAME OF OWNER: VIRGINIA SPENSLEY NAME OF TENANT: FRANK FEENEY

BUSINESS NAME: FRANK FEENEY DBA AMERICAN AUTO GROUP

BUSINESS ADDRESS: 167 MARION RD WAREHAM, MA 02571

PROPOSED USE: Used Vehicle Sales

DESCRIPTION: NAME CHANGE ONLY

APPROVALS:

- BOARD OF SELECTMEN: S. Perry 8/18/99 Requires hearing for Class II
- ✓ FIRE DEPARTMENT: [Signature] 8/18/99
- ✓ BOARD OF HEALTH: Carl Wakefield 8-17-99
- PLMBG/GAS INSPECTOR: William Ellett 8-17-99
- ELECTRICAL INSPECTOR: George Wilson 8/18/99
- BUILDING INSPECTOR: [Signature] 8-18-99
- Acting Chief TOWN CLERK: Charles P. Casswell 8-17-99
- ✓ WATER DEPARTMENT: Diana Puskas 8-18-99
- ✓ SEWER DEPARTMENT: Sybil Hall 8-18-99

2

SIGNATURE OF APPLICANT: [Signature] (Frank Feeney)

MAILING ADDRESS: 167 Marion Rd Wareham MA 02571

TELEPHONE NUMBER: 508-295-5555

PLEASE NOTE:

RETURN COMPLETED APPLICATION WITH ALL SIGNATURES TO THE INSPECTIONAL SERVICES DEPARTMENT WITH A CHECK FOR \$25.00 MADE PAYABLE TO THE TOWN OF WAREHAM.

03-129

✓ CK# 021

\$25.00



TOWN OF WAREHAM
INSPECTIONAL SERVICES
APPLICATION FOR CHANGE OF USE/OCCUPANCY

DATE: 3-6-03 ZONING DISTRICT: _____ LOT: 1020 MAP: 60

NAME OF OWNER: ALTON R. THURST NAME OF TENANT: FRANK FEENEY

BUSINESS NAME: American Auto Care of Wareham

BUSINESS ADDRESS: 167 MAJOR RD WAREHAM, MA 02576

PROPOSED USE: REPAIR AND SAFETY CHECK OF VEHICLES

DESCRIPTION: _____

APPROVALS:

BOARD OF SELECTMEN: Shirley Oldfield - 3/6/2003

FIRE DEPARTMENT: George [unclear] 3/6/03

BOARD OF HEALTH: Robert M. Bishop H.A.

PLUMBING/GAS INSPECTOR: Kal Malloy P11643 3/6/03

ELECTRICAL INSPECTOR: Georg [unclear] 3/12/03

BUILDING INSPECTOR: [unclear] 3-6-03

TOWN CLERK: Maureen [unclear] 3/6/2003

WATER DEPARTMENT: Maureen [unclear] 3-6-2003

SEWER DEPARTMENT: David C. [unclear] 3/6/2003

(USE TO REMAIN THE SAME AS IF LOCAL)

SIGNATURE OF APPLICANT: [unclear]

MAILING ADDRESS: 167 MAJOR RD WAREHAM, MA

TELEPHONE NUMBER: 508-295-5555

PLEASE NOTE:

RETURN COMPLETED APPLICATION WITH ALL SIGNATURES TO THE INSPECTIONAL SERVICES DEPARTMENT WITH A CHECK FOR \$25.00 MADE PAYABLE TO THE TOWN OF WAREHAM.

167 MARION ROAD

03-729

COMMONWEALTH OF MASSACHUSETTS
TOWN OF WAREHAM

GIS #:	3336
Map:	30
Block:	
Lot:	1020
Permit:	Change of Use
Category:	Change of Use C/S
Permit #:	03-729
Project #:	JS-2003-0176
Est. Cost:	\$25.00
Fee:	\$25.00
# of Pictures:	

**CHANGE OF USE
PERMIT**

PERMISSION IS HEREBY GRANTED TO:

Contractor: Homeowner as Contractor
License:

Owner: MORRILL MARTIN TRUSTEE OF ALTON L REALTY TRUST

Applicant: MORRILL MARTIN TRUSTEE OF ALTON L REALTY TRUST

AT: 167 MARION ROAD

ISSUED ON: 25-Mar-2003

AMMENDED ON:

EXPIRES ON:

TO PERFORM THE FOLLOWING WORK:

Change of Use/Occupancy- American Auto Group Service / Tenant- (Frank Feeney)

THIS PERMIT MAY BE REVOKED BY THE TOWN OF WAREHAM UPON VIOLATION OF ANY OF ITS RULES AND REGULATIONS.

Signature: 

Fee Type:	Receipt No:	Date Paid:	Check No:	Amount:
Building Permit	REC-2003-000184	25-Mar-03	021	\$25.00



TOWN OF WAREHAM
INSPECTIONAL SERVICES

✓ CK# 1809

4-15-09

C-09-556

APPLICATION FOR CHANGE OF USE/OCCUPANCY

DATE: 4/9/09 ZONING DISTRICT: MR 30 LOT: 102A MAP: 60
NAME OF OWNER: Lloyd Spearley NAME OF TENANT: GREGORY T. KAMATARIS, PRES.
IN-LINE COLLISION REPAIR, INC.

BUSINESS NAME: IN-LINE COLLISION
BUSINESS ADDRESS: 167 MARION RD.
PROPOSED USE: AUTO + TRUCK COLLISION REPAIR + PAINTING
DESCRIPTION: REPAIR OF AUTOMOTIVE + PAINTING

APPROVALS:
BUILDING INSPECTOR: [Signature] 4-13-09
ELECTRICAL INSPECTOR: [Signature] 4-14-09
PLMBG/GAS INSPECTOR: [Signature]
BOARD OF HEALTH: [Signature] GMM 4-13-09
BOARD OF SELECTMEN: [Signature] 4/13/09
FIRE DEPARTMENT: [Signature] 4/14/09
WATER DEPARTMENT: [Signature] 4-13-09
SEWER DEPARTMENT: [Signature] 4-14-09
TOWN CLERK: [Signature] 4-15-09

SIGNATURE OF APPLICANT: In-Line Collision Repair Inc. by: Gregory T. Kamataris Pres.
MAILING ADDRESS: 167 MARION RD. (Rear) WAREHAM
TELEPHONE NUMBER: 508-291-7777

PLEASE NOTE:
RETURN COMPLETED APPLICATION WITH ALL SIGNATURES TO THE INSPECTIONAL SERVICES DEPARTMENT WITH A CHECK FOR \$30.00 MADE PAYABLE TO THE TOWN OF WAREHAM.

167 MARION RD

C-09-556

COMMONWEALTH OF MASSACHUSETTS
TOWN OF WAREHAM

GIS No. :	
Map:	60
Block:	
Lot:	1020
Permit:	Change of Use Permit/Occupancy
Category:	Change of Use O/S
Permit No.	07-7782
Project No.	C-09-556
Est. Cost: \$	
Fee: \$	\$30.00
No. Fixtures: \$	

CHANGE OF USE PERMIT

PERMISSION IS HEREBY GRANTED TO:

Contractor: License:
Homeowner as Contractor

Owner: SPENSLEY LLOYD A TRUSTEE

Applicant: IN-LINE COLLISON -KAMATARIS GREGORY

AT: 167 MARION RD.

ISSUED ON: 4/15/2009

EXPIRES ON:

TO PERFORM THE FOLLOWING WORK:

AUTO & TRUCK COLLISION REPAIR & PAINTING

THIS PERMIT MAY BE REVOKED BY THE TOWN OF WAREHAM UPON VIOLATION OF ANY OF ITS RULES AND REGULATIONS.

Signature: 

Fee Type:	Receipt No. :	Date Paid:	Check No.:	Amount:	Total Paid Amount:
Change of Use	7782	4/15/2009	1809	\$30.00	\$30.00



TOWN OF WAREHAM
INSPECTIONAL SERVICES
MEMORIAL TOWN HALL
54 MARION ROAD, WAREHAM, MASSACHUSETTS 02571
SIGN PERMIT APPLICATION

PERMIT # F-09-571

CHECK # 1823

DATE: 4-22-09

APPROVED BY: \$60-

LOCATION ADDRESS: 167 MARION RD.

LOT: 1020 MAP: 60 ZONING DISTRICT: MR30

NAME OF TENANT & TEL #: IN-LINE COLLISION/Pres. KAMATARIS 508-291-7777

BUSINESS NAME & ADDRESS: IN-LINE COLLISION REPAIR INC.

NAME OF OWNER: IN-LINE COLLISION REPAIR INC. GREGORY KAMATARIS PRES.

MAILING ADDRESS: 167 MARION RD. WAREHAM, MA. 02571

ESTIMATED COST: \$500- mike phillips

NAME OF SIGN CONTRACTOR: M + M PHILLIPS ENTERPRISES INC. SIGNS + GRAPHICS

ADDRESS & TEL. # P.O. BOX 160, SAGAMORE BEACH MA. 02562

TYPE OF SIGN: WOOD / PLASTIC

ATTACHED: RT FRONT (west side) SIZE: 2' x 3' 12.00'

FIXED GROUND: _____ SIZE: _____

INTERNALLY ILLUMINATED: YES: _____ NO:

PERMIT FEE: CHECK ONE:

1 SIDED SIGN: _____ \$30.00

2 SIDED SIGN: \$60.00

DESCRIBE THE SITE PLAN (how the sign will be attached) AND ATTACH A DRAWING: _____

APPLICANTS SIGNATURE: IN-LINE COLLISION REPAIR inc. BY: [Signature] PRES.

C-10-392 Pd 12-7-09
CK# 1033

TOWN OF WAREHAM
INSPECTIONAL SERVICES

\$30.00



APPLICATION FOR CHANGE OF USE/OCCUPANCY

DATE: 10-29-09 ZONING DISTRICT: _____ LOT: _____ MAP: 60/1020

NAME OF OWNER: Lloyd Spensley NAME OF TENANT: Stephen Lawrence
John Bevier

BUSINESS NAME: North ATLANTIC MARINE SERVICES

BUSINESS ADDRESS: 167 MARION Rd

PROPOSED USE: Vehicle Repair

DESCRIPTION: _____

APPROVALS:

8-10 M-F
Tues/Thurs
7-8 7:30-8:30
M W F
8-10

BUILDING INSPECTOR: [Signature] 10-29-09

ELECTRICAL INSPECTOR: [Signature] 10-29-09

PLMBG/GAS INSPECTOR: Scott Hamada 11/30/09 (Body shop only)

BOARD OF HEALTH: Robert Edwi 10-29-09 (SB)

BOARD OF SELECTMEN: Jaret Wilson 10-29-09

FIRE DEPARTMENT: [Signature] 10/29/09

WATER DEPARTMENT: [Signature] 10/29/09

SEWER DEPARTMENT: [Signature] 10/29/09

TOWN CLERK: May [Signature] 12/7/09

SIGNATURE OF APPLICANT: Stephen Lawrence

MAILING ADDRESS: 167 MARION Rd Wareham

TELEPHONE NUMBER: 508-858-0606

PLEASE NOTE:
RETURN COMPLETED APPLICATION WITH ALL SIGNATURES TO THE INSPECTIONAL SERVICES
DEPARTMENT WITH A CHECK FOR \$30.00 MADE PAYABLE TO THE TOWN OF WAREHAM.



TOWN OF WAREHAM
INSPECTIONAL SERVICES
MEMORIAL TOWN HALL
54 MARION ROAD, WAREHAM, MASSACHUSETTS 02571
SIGN PERMIT APPLICATION

12-7-09

DATE: 1

NAME OF

PERMIT # C-10-393

CHECK # 1031

DATE: 10-29-09

BUSINESS

APPROVED BY: [Signature]

BUSINESS

LOCATION ADDRESS: 167 MARION Rd.

PROPOSE

LOT: 1020 MAP: 60 ZONING DISTRICT: MR-30

DESCRIP

NAME OF TENANT & TEL #: Stephen Lawrence 508-317-2628
John Bernier 508-728-1853

APPROV:

BUSINESS NAME & ADDRESS: North Atlantic Marine Service 167 MARION Rd.

BUILDING

NAME OF OWNER: Lloyd Spensley

MAILING ADDRESS: 162 VERNON Rd Scituate MA.

ELECTRIC

ESTIMATED COST: \$400

PLMBG/G

NAME OF SIGN CONTRACTOR: Kingsley Signs

BOARD OF

ADDRESS & TEL. # 508-975-6541

BOARD OF

TYPE OF SIGN: _____

FIRE DEP.

ATTACHED: yes SIZE: 4' x 8' 32 R'

WATER D

FIXED GROUND: _____ SIZE: _____

SEWER D

INTERNALLY ILLUMINATED: YES: _____ NO: X

TOWN CI

PERMIT FEE: CHECK ONE:

SIGNATU

1 SIDED SIGN: 1 \$30.00

MAILING

2 SIDED SIGN: _____ \$60.00

TELEPH

DESCRIBE THE SITE PLAN (how the sign will be attached) AND ATTACH A DRAWING . _____

Lagged to Building.

PLEASE

RETURN

DEPART

APPLICANTS SIGNATURE: Stephen Lawrence

8-10 M-F
Tues/Thurs
FA 7:30-8:30
MWF
8-10

167 MARION RD

C-10-392

COMMONWEALTH OF MASSACHUSETTS
TOWN OF WAREHAM

GIS No. :	
Map:	60
Block:	
Lot:	1020
Permit:	Change of Use Permit/Occupancy
Category:	Change of Use O/S
Permit No.	07-9884
Project No.	C-10-392
Est. Cost: \$	
Fee: \$	\$30.00
No. Fixtures: \$	

CHANGE OF USE PERMIT

PERMISSION IS HEREBY GRANTED TO:

Contractor: Homeowner as Contractor
License:

Owner: SPENSLEY LLOYD A TRUSTEE

Applicant: LAWRENCE STEPHEN - NORTH ATLANTICE MARINE SERVICES

AT: 167 MARION RD


ISSUED ON: 12/7/2009

EXPIRES ON:

TO PERFORM THE FOLLOWING WORK:

VEHICLE REPAIR - BODY SHOP ONLY

THIS PERMIT MAY BE REVOKED BY THE TOWN OF WAREHAM UPON VIOLATION OF ANY OF ITS RULES AND REGULATIONS.

Fee Type:	Receipt No. :	Date Paid:	Check No. :	Signature: 	Amount:	Total Paid Amount:
Change of Use	9884	12/7/2009	1033		\$30.00	\$30.00



TOWN OF WAREHAM
INSPECTIONAL SERVICES

737893

Service
3 Bay
3 Door Draw
wo

APPLICATION FOR CHANGE OF USE/OCCUPANCY

DATE: 10/1/14 ZONING DISTRICT: _____ LOT: 1020 MAP: 67

NAME OF OWNER: JEFF AUSTON NAME OF TENANT: DOMINIC LORICH

BUSINESS NAME: BUSTED KNUCKLES

BUSINESS ADDRESS: 167 MARSON RD. WAREHAM, MA. 02571

PROPOSED USE: AUTO REPAIR

DESCRIPTION: _____

APPROVALS: _____

BUILDING INSPECTOR: _____

ELECTRICAL INSPECTOR: _____

PLUMBING/GAS INSPECTOR: _____

BOARD OF HEALTH: Melvin Ecker (S) 10/1/14

BOARD OF SELECTMEN: Shirley O'Leary 10/1/14

FIRE DEPARTMENT: [Signature] 10/1/14 Permits Required

WATER DEPARTMENT: Doug Dyke 10/1/14

SEWER DEPARTMENT: [Signature] 10/2/14 - Spin Kits Required

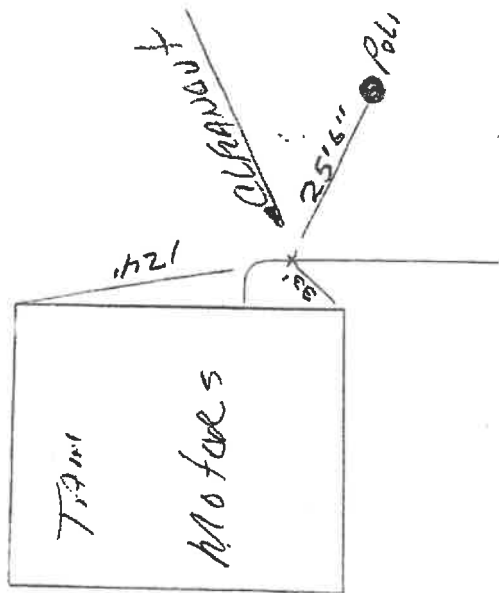
TOWN CLERK: [Signature] 10/1/14

SIGNATURE OF APPLICANT: [Signature]

MAILING ADDRESS: 3 DEE JAY LN. WAREHAM, MA. 02538

TELEPHONE NUMBER: 508-295-7906

PLEASE NOTE:
RETURN COMPLETED APPLICATION WITH ALL SIGNATURES TO THE INSPECTIONAL SERVICES
DEPARTMENT WITH A CHECK FOR \$50.00 MADE PAYABLE TO THE TOWN OF WAREHAM.



INSPECTOR
J. [Signature]

107 Mason Road

167 MASON ROAD

Dave Moore

From: Kenneth R Ferreira RLS PE <kenferreira@comcast.net>
To: Dave Moore <dmoore@wareham.ma.us>
Cc:
Date: 10/31/14 1:11 PM
Subject: Re: 167 Marion Road

Best Friends Learning Center
237 Sandwich Road, Wareham MA 02571
Phone: (508) 291-0822 Fax: (508) 291-0303

DAVID SERGE
167 MARION
WAREHAM MA-
774-244-6672
Landscape Tenant

SOUNDS LIKE A GOOD DECISION

From: "Dave Moore" <dmoore@wareham.ma.us>
To: "FERREIRA, KENNETH" <kenferreira@comcast.net>
Sent: Thursday, October 30, 2014 2:47:54 PM
Subject: 167 Marion Road

Ken
New tenants are moving into 167 Marion Road, an auto repair shop and a landscaper. The property has been legal non conforming as it is retail in a MR30 zone. The retail uses have changed there a few times in the last years but I see no variances to go from auto to marine. Would I be safe in just treating them as a continuation of a retail uses? I will send them to Conservation for any changes of stock piled landscaping material in the parking area.

David 11/3

OK by ZBA on continuation of retail landscape use but need ConCom on mulch storage by spring
Need variance on floor drain. Bldg ^{owner} will apply to DEP. RE repair shop
owner Jeff Spensley 617816 1203 Letter 12/8/14
12/8 Spoke with → will get BOT sign off 12/15-12/19

RESCOM
ARCHITECTURAL, INC

RESIDENTIAL &
COMMERCIAL
ARCHITECTURE
118 ARCHITECTURE ROAD
BOURNE, MA 02532
PHONE: (508) 759-8828
FAX: (508) 759-8802
WWW.RESCOMARCH.COM

PROJECT:

FIVE STAR GOLF CARS
107 Marion Road
Wareham, MA

CONTRACTOR:

NOTE:
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FRAMES TITLE:

PROPOSED ELEVATIONS

REVISIONS

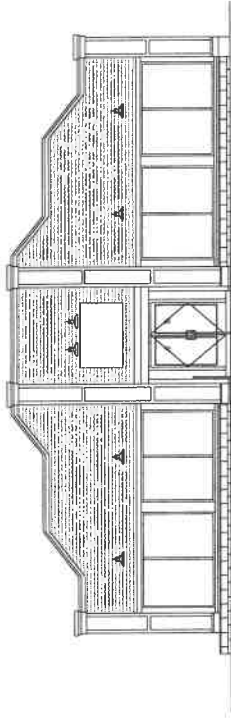
NO.	DATE	DESCRIPTION

DATE OF SET: 04-16-2024

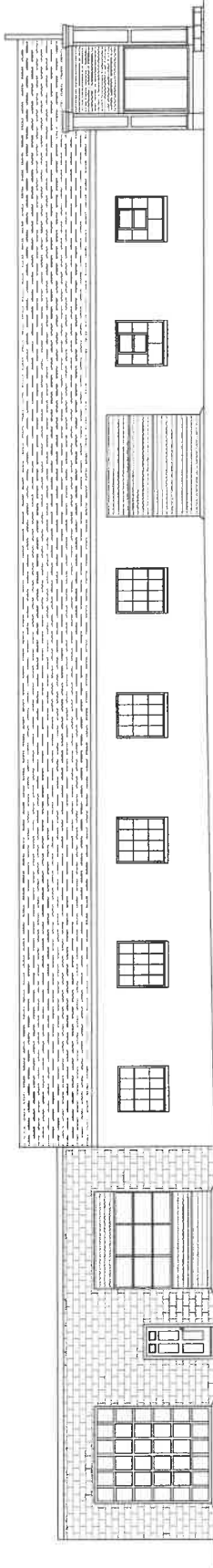
DRAWN BY: MRH CHECKED BY: GBS

PROJECT NUMBER:

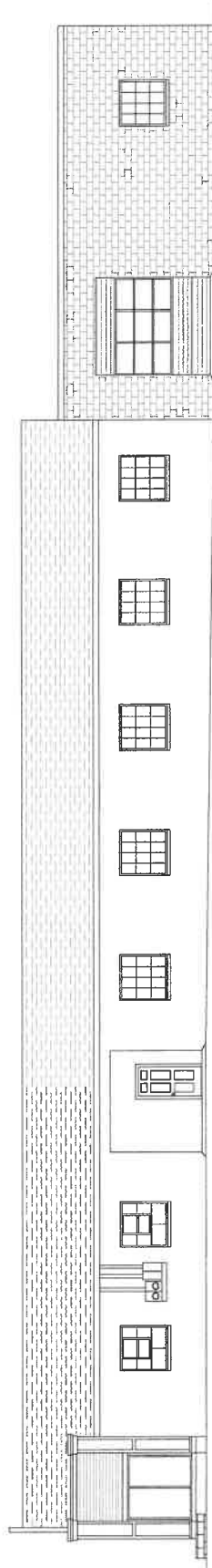
A1.2



1 FRONT ELEVATION
A1.2 / SCALE: 3/16"=1'-0"



2 LEFT SIDE ELEVATION
A1.2 / SCALE: 3/16"=1'-0"



3 RIGHT SIDE ELEVATION
A1.2 / SCALE: 3/16"=1'-0"

